

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UNION

MARIA D. PROUFLIS,

Plaintiff,

v.

OREGON HEALTH AND SCIENCE
UNIVERSITY, an Oregon public
corporation,

Defendant.

Case No. 22CV13795


SUMMONS

**To: Alice Cuprill-Comas, Authorized Representative for Oregon Health and
Science University, 3181 SW Sam Jackson Road, Suite L585, Portland, OR
97239**

YOU ARE HEREBY required to appear and defend the Complaint filed against you in the
above-entitled action within thirty (30) days from the date of service of this Summons upon you,
and in case of your failure to do so, for want thereof, Plaintiff will apply to the court for the relief
demanded in the Complaint.

NOTICE TO THE DEFENDANT:
READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will
win automatically. To "appear" you must file with the
court a legal document called a "motion" or "answer."
The "motion" or "answer" must be given to the court
clerk or administrator within 30 days along with the
required filing fee. It must be in proper form and
have proof of service on the Plaintiff's attorney or, if
the Plaintiff does not have an attorney, proof of
service on the Plaintiff. If you have questions, you
should see an attorney immediately. If you need help
in finding an attorney, you may contact the Oregon
State Bar's Lawyer Referral Service online at
www.oregonstatebar.org or by calling (503) 684-
3763 (in the Portland metropolitan area) or toll-free
elsewhere in Oregon at (800) 452-7636.



SIGNATURE OF ATTORNEY FOR PLAINTIFF

Brent H. Smith 065971
ATTORNEY'S NAME BAR NO.

808 Adams Avenue, PO Box 967
ADDRESS

La Grande, OR 97850 (541) 963-3104
CITY STATE ZIP PHONE

STATE OF OREGON }
County of Union } ss.

I, the undersigned attorney of record for the Plaintiff, certify that the foregoing is an
exact and complete copy of the original summons in the above-entitled action.

ATTORNEY OF RECORD FOR PLAINTIFF

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UNION

MARIA D. PROUFLIS,

Plaintiff,

v.

OREGON HEALTH AND SCIENCE
UNIVERSITY, an Oregon public
corporation,

Defendant.

22CV13795

Case No.

COMPLAINT

(42 USC §2000e-5 - Employment
Religious Discrimination, Wrongful
Termination)

Claim for Relief \$411,957.60

NOT SUBJECT TO MANDATORY
ARBITRATION

JURY TRIAL REQUESTED

Fee Authority: ORS 21.160(1)(c)

Plaintiff, Maria D. Prouflis, (hereinafter “Plaintiff”) alleges:

1.

At all times material to this action, Plaintiff was a resident of Jackson, Ocean
County, New Jersey.

2.

Defendant Oregon Health & Science University (“OHSU”) is an Oregon public
corporation. Defendant conducts regular, sustained business activity in Union County,
Oregon. Defendant OHSU employs six or more persons in the State of Oregon. At all
material times Defendant OHSU was Plaintiff’s employer.

FACTS

3.

On December 2, 2019 Plaintiff began working for Defendant as a medical coder.
At all material times, Plaintiff performed her job duties satisfactorily.

1
2 4.

3 For the entirety of Plaintiff's employment with Defendant she lived and worked
4 for OHSU remotely from her home in New Jersey. Plaintiff has never been to Oregon.

5 5.

6 In September 2021 Defendant mandated Plaintiff receive a Covid-19 vaccination
7 as a condition of continued employment.

8 6.

9 Beginning on September 2, 2021 Plaintiff began putting Defendant on notice of
10 her sincerely held religious beliefs which prevented her from receiving a Covid-19
11 vaccination.

12 7.

13 Defendant required Plaintiff and other employees to complete "religious
14 exception" forms which forms amounted to unlawful religious inquisition and
15 discrimination.

16 8.

17 Before denying Plaintiffs' request for accommodation or notifying Plaintiff her
18 employment would be terminated Defendant publicly posted Plaintiff's job as open and
19 used her name in the posting.

20 9.

21 An unvaccinated Plaintiff did not pose a direct threat to workplace safety because
22 Plaintiff worked remotely from her home in New Jersey and did not interact with other
23 employees of Defendant or the public in connection with her work for Defendant.

24 10.

25 Defendant refused to accommodate Plaintiff and terminated her employment on
26 December 2, 2021.

///

1
2 11.

3 Plaintiff filed a charge of discrimination with the Equal Employment Opportunity
4 Commission (“EEOC”) on January 4, 2022. Plaintiff received notice of her right to sue
5 from the United States Department of Justice on March 8, 2022.

6 PLAINTIFF’S FIRST CLAIM FOR RELIEF

7 (42 USC § 2000e-5 - Employment Religious Discrimination)

8 12.

9 Plaintiff realleges paragraphs 1 through 11 and incorporates them herein.

10 13.

11 Plaintiff has a sincerely held religious belief which prevents her from receiving a
12 Covid-19 vaccination.

13 14.

14 On September 2, 2021 Plaintiff put Defendant on notice of her sincerely held
15 religious belief which prevented her from receiving a Covid-19 vaccination.

16 15.

17 Defendant’s method of evaluating what it called “religious exceptions” to its
18 Covid-19 vaccination policy is discriminatory as the forms were by design meant to
19 convince employees, like Plaintiffs, that they did not have a sincerely held religious
20 belief which prevented them from receiving a Covid-19 vaccination and to embarrass
21 Plaintiff and other employees.

22 16.

23 Defendant did not make a good-faith effort to reasonably accommodate Plaintiff’s
24 religious beliefs and could have done so without incurring an undue hardship because
25 Plaintiff worked remotely and did not pose a direct threat to the workplace by remaining
26 unvaccinated against Covid-19.

///

1
2 17.

3 Defendant terminated Plaintiff's employment on December 2, 2021 because she
4 was not vaccinated.

5 18.

6 Plaintiff requests the court award her \$111,957.60 in front pay in lieu of
7 reinstatement.

8 19.

9 Plaintiff requests the court award her \$300,000.00 in compensatory damages for
10 future pecuniary losses, emotional pain and suffering, inconvenience, mental anguish
11 and loss of enjoyment of life.

12 20.

13 Plaintiff requests an award of her reasonable attorney fees and expert witness
14 fees pursuant to 42 USC §2000e-5(k).

15 PLAINTIFF'S SECOND CLAIM FOR RELIEF
16 (Wrongful Termination)

17 21.

18 Plaintiff realleges paragraphs 1 through 20 and incorporates them herein.

19 22.

20 Defendant terminated Plaintiff's employment.

21 23.

22 Plaintiff had a right to free of religious discrimination in her employment.

23 24.

24 A substantial factor in the decision to discharge Plaintiff was her religious beliefs.
25 Defendant failed to engage in a meaningful interactive process with Plaintiff regarding
26 accommodating her religious beliefs. Defendant engaged in a "religious exception"
process meant to belittle Plaintiff's religious beliefs.

25.

As a direct result of Defendant's conduct, Plaintiff was terminated and has suffered economic damages in the form of lost wages and benefits, including back pay, front pay in lieu of reinstatement, and any other economic damages the court deems appropriate in an amount not greater than \$111,957.60.

26.

As a direct result of Defendant's conduct, Plaintiff suffered emotional distress and other nonpecuniary losses and is entitled to recover noneconomic damages in an

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27.

To the extent that any amount awarded to Plaintiff is for damages occurring prior to the entry of judgment, Plaintiff is entitled to an award of pre-judgment interest at the legal rate from the date the damage occurred until the date of judgment.

WHEREFORE, Plaintiff prays for a judgment against the Defendant for relief as follows:

1. Economic damages in the amount of \$111,957.60;
2. Non-economic damages in the amount of \$300,000.00;
3. Plaintiff's attorney fees, expert costs, costs and disbursements incurred herein; and
4. Such other relief that the court deems just and equitable.

DATED this 25th day of April, 2022.

BAUM SMITH, LLC
Attorney for Plaintiff



By _____
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Multnomah County Sheriff's Office

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County: UNION

Court Case: 22CV13795

MCSO Case #: 2022-350846

Served

Court: CIRCUIT

RE: PROUFLINS, MARIA D

VS.

OREGON HEALTH AND SCIENCE

I hereby certify that the following documents

COMPLAINT
SUMMONS

was/were delivered to me for service on the 11 day of May, 2022, and was/were
duly certified to be true copy by PLAINTIFF.

I further certify that I served the papers upon

CUPRILL-COMAS, ALICE

at the office he/she maintains for the conduct of business at 3181 SW SAM JACKSON PARK RD ,
PORTLAND

by leaving a true copy with JULIE MEEK the person who is apparently
in charge of the said office, on the 7 day of June, 2022 during normal working hours,
at to wit 10:37 AM

MICHAEL REESE, SHERIFF
Multnomah County, Oregon

By:


MCGARRY, DAVID J DPSST#: 39599

*Please be advised if a substituted service is made the plaintiff shall cause to be mailed, by first class mail, true copies of the summons and the complaint to the defendant at defendants dwelling house or usual place of abode, together with a statement of the date, time, and place at which substituted service was made and a certificate of service for this action shall be filed with the court. Please contact an attorney if you have any additional questions.